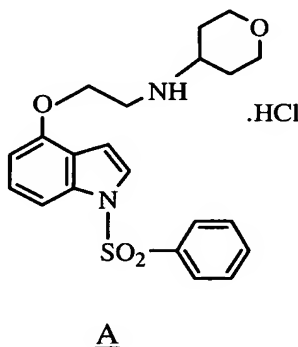


Applicants respectfully traverse the foregoing restriction on the grounds set forth herein. The claimed subject matter resulted from the same inventive effort. The method claims of group II are specifically limited to the compounds of group I and do not apply to other compounds or a materially different product. If a similar method were practiced with other compounds or a materially different product, the result would not be the same. The compounds of group I provide novel 5-HT6 receptor site activity which is crucial to the method of treating a disorder related to or affected by the 5-HT6 receptor that comprises group II. The searches required for each of the above-identified groups overlap to the extent that such searches would not present an undue burden to Examiner. Further, Examiner has indicated that rejoinder is possible once a claim has been found allowable.

Applicants understand that the election of a species is for search purposes only and that Examiner will not limit the claims to the elected species. Applicants point out that all of the compounds of claim 1 contain a common core structure, i.e. an indole ring system having one or two nitrogen atoms, and are the result of the same inventive effort. Said compounds may be searched together without undue effort. For the foregoing reasons, Applicants respectfully request that Examiner reconsider and withdraw the restriction set forth.

#### ELECTION

Notwithstanding the above, and solely in compliance with the provisions of 37 CFR §1.143, Applicants hereby provisionally elect group I, claims 1-9 and 15-19 for prosecution herein. Further, responsive to the required election of a single species within group I, Applicants elect the species of Example 6 on p. 21, N-(2-[[1-(phenylsulfonyl)-1H-indol-4-yl]oxy]ethyl)tetrahydro-2H-pyran-4-amine hydrochloride, Structure A shown below. Said compound is held by claims 1-9; a composition containing said compound is held by claims 15-19; a method of use of said compound is held by claims 10-14; and a method to prepare said compound is held by claim 20.




The elected single disclosed compound is a compound of formula I wherein W is SO<sub>2</sub>; X is CH; Y is CH; Z is O; R<sub>1</sub> and R<sub>2</sub> are H; n is 2; R<sub>3</sub> is H; R<sub>4</sub> is tetrahydropyran-4-yl; R<sub>5</sub> is H; and R<sub>6</sub> is phenyl.

The remaining claims have not been cancelled in order to provide Examiner the opportunity to reconsider and withdraw the original scope of the restriction. Applicants note that an election of species has been held tantamount to a restriction requirement. Applicants reserve the right to file a divisional application on the non-elected subject matter.

Prompt and favorable examination is cordially solicited.

Respectfully submitted,



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